



EMPLOYEE BULLETIN

EB No. 938

7 May 1982

COMMENTS TO SSCI ON FORMER SPOUSE ANNUITY LEGISLATION

Reference: EB No. 933 dated 29 April 1982

1. The Senate Select Committee on Intelligence (SSCI) has been considering legislation governing the manner in which retirement and survivor's annuities are to be apportioned in the case of divorce. A hearing on this subject generally and on S. 2422, a bill which would apply the provisions of the Foreign Service Act of 1980 to the Central Intelligence Agency Retirement and Disability System (CIARDS), was held before the Committee on 5 May 1982.

2. In response to inquiries on this subject generally and on the hearing, the SSCI has advised the Agency that it has agreed to leave open the record of the 5 May hearings for ten additional days. The purpose of this action is to permit current and former Agency employees and their spouses to make their views on the legislation known to the SSCI. In order to do this in a secure fashion, the Agency and the SSCI have agreed on the following procedures:

- a. Agency employees who have written comments they wish to make on this legislation to the SSCI will submit them to the Director of Personnel.
- b. All comments must be received by 13 May 1982.
- c. The comments will be reviewed solely for the purpose of determining whether or not they contain classified information. If they do contain such information, the document will be classified as appropriate.
- d. All documents then will be transmitted to the SSCI.
- e. The SSCI has indicated that all comments then will be made part of the classified record.
- f. Comments received after 13 May 1982 will be processed and sent to the SSCI, but it cannot be guaranteed that they will be put into the record.

3. Any questions on this procedure or on this general subject should be addressed to Chief, Retirement Affairs Division, extension

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DISTRIBUTION: ALL EMPLOYEES

Forwarded to All CIARDS Retirees

7 May 1982

NOTICEFORMER SPOUSE ANNUITY LEGISLATION

1. The purpose of this notice is to inform Agency retirees that the House Permanent Select Committee on Intelligence (HPSCI) and the Senate Select Committee on Intelligence (SSCI) are giving consideration to the adoption of "former spouse" legislation for Agency employees which is similar to the provisions of the Foreign Service Act of 1980. There is a likelihood that some legislation on this subject will be enacted this session.

2. Currently, under the Central Intelligence Agency Retirement and Disability System (CIARDS) and the Civil Service Retirement System (CSRS), an employee's retirement annuity may be apportioned to make payment to a former spouse pursuant to a court decree of divorce or a court-approved property settlement.

3. The manner in which such apportionments are made under the Foreign Service Act of 1980 is, however, somewhat different. The relevant provisions of that Act may be summarized as follows:

a. A former spouse who was married to a participant in the Foreign Service Retirement and Disability System (FSRDS) for at least ten years, and throughout the period of the participant's creditable service, is presumptively entitled to 50% of the participant's retirement annuity and to a survivor's annuity in the amount of 55% of the participant's full annuity unless specifically provided otherwise by court decree of divorce or court-approved property settlement.

b. If the spouse was married to the participant for at least ten years, but not for the full period of creditable service, then the former spouse is only entitled to a pro rata share of the retirement annuity and the survivor annuity.

c. Similar provisions apply also to the language in lump-sum refund payments of retirement contributions.

d. A former spouse is not qualified for an annuity or survivor benefit if, before the commencement of that annuity, the former spouse remarries before becoming 60 years of age.

4. HPSCI conducted a hearing on this subject and has proposed legislation as part of the Agency's Fiscal Year 1983 Authorization Bill, H.R. 6068 (Title VI), which may be briefly summarized as follows:

a. "Qualified former spouses" of Agency employees will be entitled to benefits in a manner comparable to the manner in which benefits for former spouses of participants are administered under the Foreign Service Act of 1980 (as generally described above in paragraph 3).

b. "Qualified former spouse" means a former wife or husband of a participant who: (1) was married to such participant for not less than ten years during period of creditable Agency service by such participant; (2) has at least five years of which were spent overseas by both the participant and the former spouse; and, (3) has not remarried before becoming 60 years of age.

c. For former spouses and Agency employees who fall within the group described in "b" above, this applies whether the Agency employee is a participant in CIARDS or CSRS.

5. On 5 May 1982, the SSCI conducted a hearing on S. 2422. Briefly summarized, this Bill would apply the provisions of the Foreign Service Act of 1980, as described in paragraph 2 above, to CIARDS. In response to inquiries on this subject generally and on the hearing, the SSCI has advised the Agency that it has agreed to leave open the record of the 5 May hearing for ten additional days. The purpose of this action is to permit current and former employees and/or their spouses to make their views on the legislation known to the SSCI.

6. Neither H.R. 6068 nor S. 2422 will affect those individuals who were divorced prior to the effective date of the legislation. Retirees who are divorced after enactment of the legislation, however, would be affected insofar as the provision of a survivor's annuity for a former spouse is concerned.

7. For convenience and in order to protect security concerns, individuals who wish to comment on this legislation may do so by communicating their written comments to the address on this letterhead. The comments, when received, will be reviewed solely for the purpose of determining whether or not they contain classified information. If they do contain such information, they will be classified as appropriate. All comments will then be forwarded to the Congress; however, it cannot be guaranteed that comments received after 15 May 1982 will be put into the record.

Retirement Affairs Division